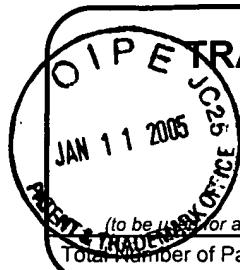


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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

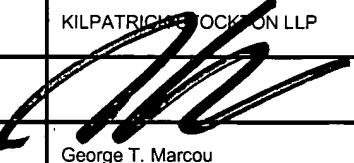
Total Number of Pages in This Submission

Application Number	10/717,632
Filing Date	November 21, 2003
First Named Inventor	Victor VERBINSKI, et al.
Art Unit	2878
Examiner Name	Not Yet Assigned
Attorney Docket Number	SAIC0055-C-CIP2

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449 Copies of 36 References Disclosure of Pending Litigation (2pp.)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

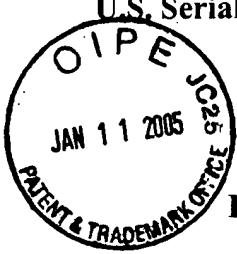
Firm	KILPATRICK STOCKTON LLP		
Signature			
Printed Name	George T. Marcou		
Date	11/11/05	Reg. No.	33,014

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name			
Date			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



U.S. Serial No.: 10/717,632

Docket No. SAIC0055-C-CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Victor V. VERBINSKI, et al.

Group Art Unit: 2878

Serial No.: 10/717,632

Examiner: TBD

Filed: November 21, 2003

For: **SYSTEM AND METHOD FOR TARGET INSPECTION USING DISCRETE PHOTON COUNTING AND NEUTRON DETECTION**

DISCLOSURE OF PENDING LITIGATION PURSUANT TO MPEP § 2001.06(c) and
SUBMISSION OF INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97 and MPEP § 2001.06(c), the Assignee and Assignee's prosecution attorneys bring to the attention of the Examiner the following information.

The above-identified application is a continuation-in-part application of United States Patent No. 6,507,025 ('025 Patent), which is currently the subject of litigation in the case of Rapiscan Security Products, Inc. v. Science Applications International Corporation ("Rapiscan Litigation") filed in the United States District Court Central District of California, Docket No. CV04-2936.

General Description of Materials

Defendant, Science Applications International Corporation (SAIC), is the assignee of the '025 Patent. On April 27, 2004, Rapiscan filed a declaratory judgment action in the United States District Court Central District of California alleging, *inter alia*, that (1) the '025 Patent is invalid for failure to comply with 35 USC §§ 101, 102, 103 and/or 112 and (2) Rapiscan is not infringing the '025 Patent. The litigation is currently in the discovery phase.

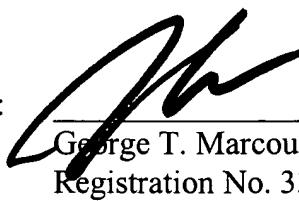
SAIC's belief that Rapiscan is infringing is based on publicly available information, such as that found at www.rapiscan.com. While Assignee and Assignee's prosecution attorneys believe that the pertinent information available on this site does not qualify as prior art since the pertinent information is not believed to have been available until after the filing date of the '025 Patent, the undersigned is submitting the information in the attached Information Disclosure Statement ("IDS"). Also submitted on the enclosed Form 1449 is a copy of the litigation docket for the Rapiscan Litigation as of 1/10/05.

If the Examiner wants to review materials from the litigation involving the '025 patent, the undersigned can provide copies of these documents to the extent permitted by the protective order.

Respectfully submitted,

Date: 1/11/05

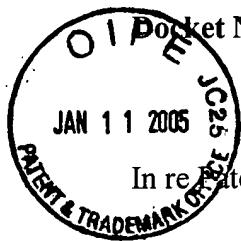
By:



George T. Marcou
Registration No. 33,014

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Suite 900
607 14th Street, N.W.
Washington, D.C. 20005
(202) 508-5800

36609/285645
WSHLIB01:201343



Pocket No. 36609.285645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Victor V. VERBINSKI, et al.

Serial No.: 10/717,632

Group Art Unit: 2878

Filed: November 21, 2003

Examiner: To Be Assigned

For: **SYSTEM AND METHOD FOR TARGET INSPECTION USING
DISCRETE PHOTON COUNTING AND NEUTRON DETECTION**

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In accordance with the requirements of 37 C.F.R. §§ 1.56, 1.97-1.98 and MPEP § 609, the references noted on the attached form PTO-1449 are hereby brought to the attention of the Examiner.

No fees are believed to be necessary since the references cited in this statement are being submitted before the First Office Action. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 501458. A duplicate copy of this letter is submitted herewith for that purpose.

The above information is presented so that the United States Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. See 37 C.F.R. §§ 1.104(a) conferring the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Respectfully submitted,

Date: 1/11/05

By: 

George T. Marcou
Registration No. 33,014

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WSHLIB01:200790

Atty. Docket No.
SAIC0055-C-CIP2

Serial No.
10/717,632

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)



Applicant

Victor VERBINSKI, et al.

Filing Date
November 21, 2003

Group
2878

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
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	4,255,659	3/10/81	Kaufman, et al.	250	370	3/27/78

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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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